

**DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890**

Action ID No. 200331082

August 29, 2003

**PUBLIC NOTICE**

The North Carolina Department of Transportation, ATTN: Dr. Gregory J. Thorpe, Director, Project Development and Environmental Analysis Branch, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548 has applied for a Department of the Army (DA) permit TO DISCHARGE DREDGED OR FILL MATERIAL INTO 410 LINEAR FEET OF STREAM CHANNEL IN THE WATERS OF AN UNNAMED TRIBUTARY TO DIXON BRANCH TO CONSTRUCT AN EXTENSION OF SR 2283 (DIXON SCHOOL ROAD) APPROXIMATELY 1.8 MILES IN LENGTH FROM NORTH OF THE EXISTING INTERCHANGE WITH INTERSTATE HIGHWAY 85 TO SR 2256 (PHIFER ROAD) WEST OF KINGS MOUNTAIN, CLEVELAND COUNTY, NORTH CAROLINA (TIP NO. R-2625 A, STATE PROJECT NO. 8.2800801, FEDERAL PROJECT NO. STP-2283(1)).

The following description of the work is taken from data provided by the applicant and from observations made during an onsite visit by a representative of the Corps of Engineers. Plans submitted with the application show the proposed construction of a two-lane facility with 11-foot lanes and 8-foot shoulders from just north of the I-85 interchange at Exit 5, across NC Highway 216 (Battleground Avenue) and the Norfolk Southern Railway to SR 2256 (Phifer Road) at the northern end. The proposed right-of-way width for the project is approximately 175 feet. Between SR 2305 (Compact School Road) and NC 216 the proposed new road crosses an unnamed tributary of Dixon Branch. A 60-inch diameter, 272-foot long concrete pipe would carry the flow of this upper perennial channel through the roadway fill. Approximately 410 linear feet of channel would be impacted by pipe installation. There are no wetlands adjacent to the channel or at any other location in the project area. The applicant is proposing to mitigate for stream losses at a 2:1 ratio by contributing to the North Carolina Wetland Restoration Program (WRP). All proposed mitigation would occur in the Broad River Basin, Hydrologic Unit 03050105. An Environmental Assessment (EA) for the proposed work was completed on February 28, 1996. A Finding of No Significant Impact was approved on August 27, 1996. An Indirect and Cumulative Effects report was completed for this project on November 5, 2002. The purpose of the proposed work is to provide a more direct north-south transportation corridor between Interstate Highway 85 and US Highway 74 Business on the west side of Kings Mountain. The northern section of this project, TIP R-2625 B has been completed. Plans showing the proposed work are included with this public notice.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Department of Environment and Natural Resources (NCDENR) has determined the applicability of a Water Quality Certificate as

required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts, including secondary and cumulative impacts, of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an

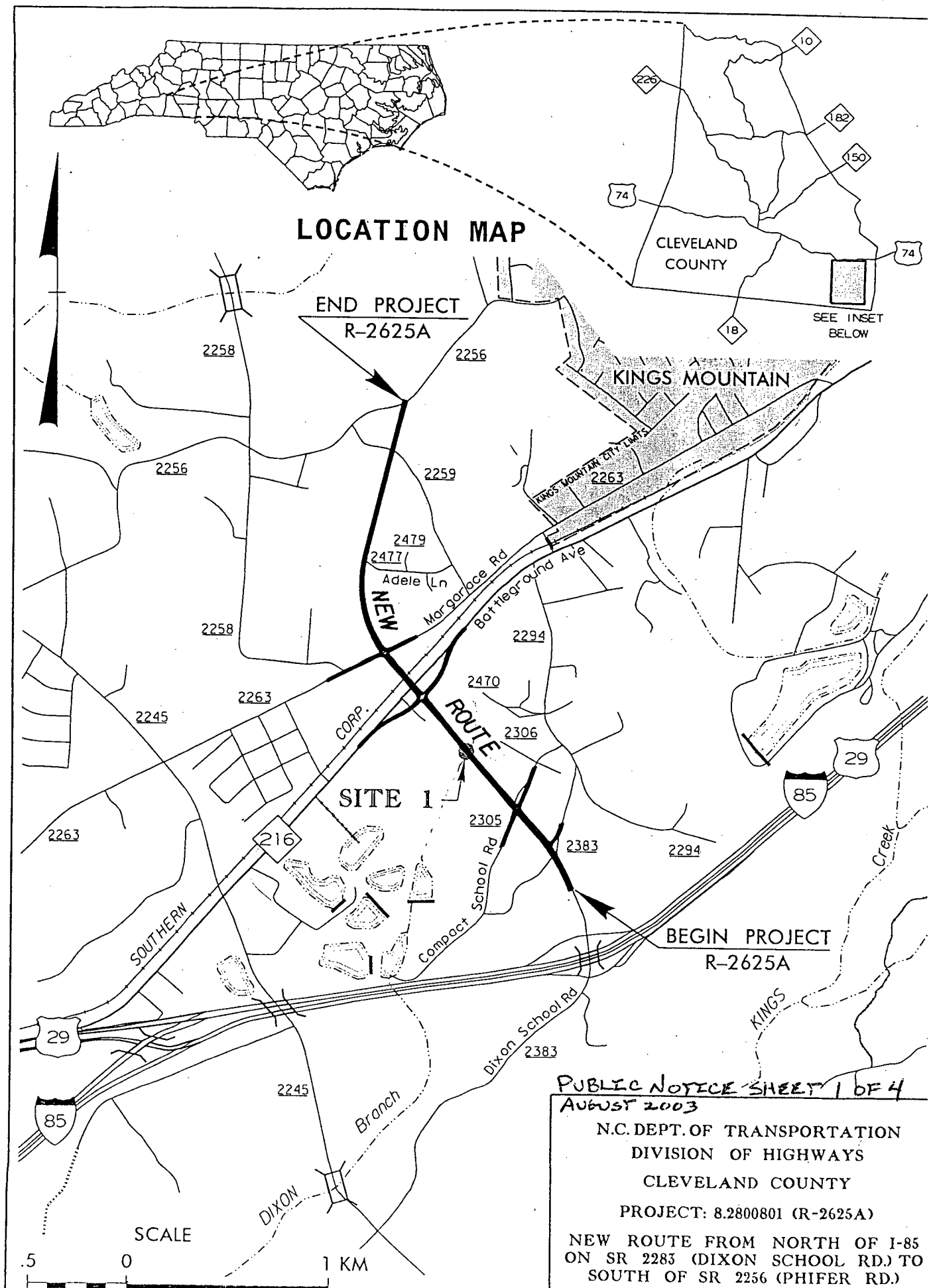
Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306 and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the 401 Wetlands Certification Unit, North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Blvd., Raleigh, North Carolina 27604. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

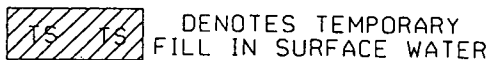
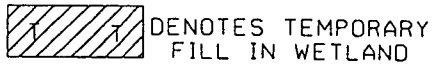
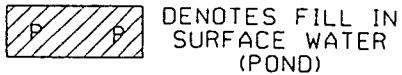
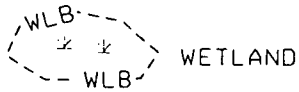
All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality Wetlands Section, 1621 Mail Service Center, Raleigh, North Carolina 27626-0621, on or before September 22, 2003, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Steven Lund, until 4:15 p.m., September 29, 2003, or telephone (828) 271-7980.

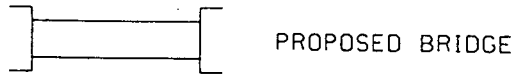
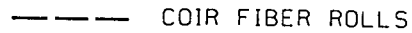
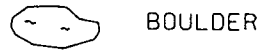
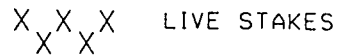
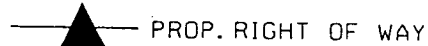
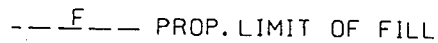
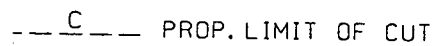
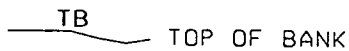


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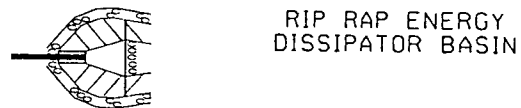
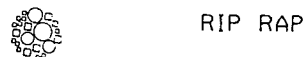
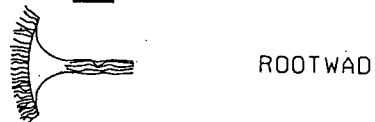
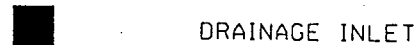
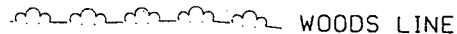
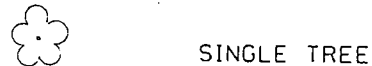
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←← FLOW DIRECTION



(DASHED LINES DENOTE EXISTING STRUCTURES)



PUBLIC NOTICE SHEET 2 OF 4

AUGUST 2003

N.C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS

CLEVELAND COUNTY

PROJECT: 8.2800801 (R-2625A)

NEW ROUTE FROM NORTH OF I-85  
ON SR 2283 (DIXON SCHOOL RD.) TO  
SOUTH OF SR 2256 (PHIFER RD.)



## IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size	WETLAND IMPACTS					SURFACE WATER IMPACTS					BUFFER IMPACTS		
			Fill In Wetlands (ha)	Temp. Fill In Wetlands (ha)	Excavation In Wetlands (ha)	Interchange Isolated Wetland (ha)	Mechanized Clearing (Method III) (ha)	Fill In SW (Natural) (ha)	Fill In SW (Pond) (ha)	Temp. Fill In SW (ha)	Existing Channel Impacted (m)	Relocated Channel (m)	Enclosed Channel (m)	Zone 1 (ha)	Zone 2 (ha)
1	L-1-14-68L	1500	—	—	—	—	—	0.014	—	—	125.2	—	82.9	—	—
SUBJECT TOTALS:			0.000	0.000	0.000	0.000	0.000	0.014	0.000	0.000	125.2	0.0	82.9	0.000	0.000

N.C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS

CLEVELAND COUNTY

PROJECT: 8.2800801  
NCDOT T.I.P. NO: R-2625A

SHEET 4 OF 5 PUBLIC NOTICE SHEET 4 OF 4  
AUGUST 2003

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